



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 606	Assembly Substitute Amendment 1 and Assembly Amendments 1 and 2 to the Substitute Amendment
<i>Memo published:</i> March 4, 2004	<i>Contact:</i> Mary Offerdahl, Staff Attorney (266-2230) Don Dyke, Chief of Legal Services (266-0292)

Current law requires a county board in a county with more than one town and a population of less than 500,000 (currently, all counties in Wisconsin except Menominee and Milwaukee counties) to revise its supervisory district plan once every 10 years in response to the results of the decennial federal census. Although such a board may change boundaries of supervisory districts between federal decennial censuses in response to certain events, it is prohibited from changing the number of supervisory districts—and thus the number of supervisors on the county board, since one supervisor represents each district—until the next decennial federal census.

Assembly Substitute Amendment 1 allows such counties to decrease the number of county board supervisors between federal decennial censuses, either by a board-initiated redistricting plan or by petition and referendum. It also allows certain cities to decrease the number of aldermanic districts and corresponding council members in response to such a plan.

Board-Initiated Redistricting Plan

The substitute amendment allows a county board in a county with more than one town and a population of less than 500,000 to adopt an intra-decade redistricting plan to reduce the number of supervisors, if the plan satisfies certain requirements also applicable to decennial redistricting plans. These include requirements that districts be substantially equal in population, as compact as possible, consist of contiguous whole wards in existence when the redistricting plan is adopted, contain whole contiguous municipalities or contiguous parts of the same municipality, and retain original district numbers to the extent possible. The intra-decade redistricting plan would take effect on November 15 following its enactment, and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county.

Petition and Referendum

The substitute amendment also allows the electors in such a county, by petition and referendum, to require the board to decrease the number of supervisors at any time after the first election is held following enactment of a decennial redistricting plan. The petitioner must register with the county clerk before circulating the petition and has 60 days following the registration to obtain the required number of signatures (at least 25% of the total votes cast for the office of supervisor at the most recent supervisory election). Upon determining that the petition is sufficient, the county clerk must call a referendum concurrently with the next spring or general election in the county that is held not earlier than 42 days after the determination is made. If the question is approved by a majority of the voting electors, the board must enact an ordinance in accordance with the approved question and no further petition to decrease the number of supervisors may be filed in that county until after the board enacts the next decennial redistricting plan.

Any other petitioner may file an alternative petition within 14 days after the last day for filing an original petition to propose a different number of supervisors. If valid, both the original and alternative petition/s are submitted at the referendum. The first question on the referendum must be "Shall the size of the county board of supervisors of...County be decreased from its current membership of...members?" The subsequent question/s must be "If so, shall the size of the board be decreased to...members?" If the first question were not approved by a majority of the electors voting on it, the subsequent question/s would be of no effect. If the first question were approved, the board must enact an ordinance in accordance with the choice receiving a plurality of the votes cast.

When any redistricting plan resulting from this petition and referendum process would be enacted and first apply depends on whether the referendum is approved at a spring election or general election:

- Any "redistricting plan" approved at a spring election must be enacted no later than November 15 following that election and first applies to the election of supervisors at the next spring election immediately preceding the expiration of the terms of office of supervisors in the county.
- Any "redistricting plan" approved at a general election must be enacted no later than the second succeeding November 15 following that election and first applies to the election of supervisors at the next spring election following that November 15 immediately preceding the expiration of the terms of office of supervisors in the county.

Assembly Amendment 1 to the Substitute Amendment provides that, if the board has adopted staggered terms for district supervisors under a statutory provision that allows counties to self-organize, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members.

Supervisors elected from the districts created serve two-year terms and must take office on the third Monday in April following their election. ***Assembly Amendment 2 to the Substitute Amendment*** changes this from the third "Monday" in April to the third "Tuesday" to conform with when other county board supervisors take office, and in the two bulleted sentences in the preceding paragraph it replaces the words "redistricting plan" with "reduction in the number of supervisory districts" to be enacted "in the form of a redistricting plan" no later than the specified dates.

Corresponding Decrease in Aldermanic Districts and Common Council Members in Certain Cities

The substitute amendment allows the common council of a city with aldermanic districts coterminous with the supervisory districts of a county to decrease the number of aldermanic districts and the corresponding number of council members if the city is solely contained in a county that has decreased the number of county board supervisors between federal decennial censuses.

Legislative History

On March 4, 2004, the Assembly Urban and Local Affairs Committee recommended adoption of Assembly Amendments 1 and 2 to Assembly Substitute Amendment 1, both offered by Representative Underheim, by votes of Ayes, 8; Noes, 0, and recommended adoption of the amended Assembly Substitute Amendment 1, offered by Representative Underheim, also by a vote of Ayes, 8; Noes, 0.

MO:wu:rv